

Flag Lot Policy

BACKGROUND

Policy Number: 6-19
Effective Date: 12/11/90

This Council policy implements the 1989 General Plan action: **To strengthen the Neighborhood Preservation policy and objectives of the General Plan, the City Council may adopt a policy to establish criteria for the use of flag lots.**

Throughout the older neighborhoods of the City of San Jose, certain properties in predominantly single family detached neighborhoods were developed with deep lots. In recent years, there has been increasing speculative interest in additional development or redevelopment of these parcel through the use of flag lots. Many problems result, especially in areas designated medium low density residential (8 DU/AC) including overdensification of narrow streets, large asphalt areas created to access rear units and the overwhelming mass of new units incompatible with the existing neighborhood. These problems threaten the character and stability of existing neighborhoods which are vital elements of the City's housing stock. For these reasons, increasing residential density in predominantly single family detached neighborhoods through the use of flag lots shall not be considered as Infill Housing Policy development.

The following Flag Lot Criteria for flat land areas pertain only to established areas of San Jose developed predominantly as single-family, detached neighborhoods. A Council Policy regarding flag lot development which would apply to mixed housing types, multiple densities, and varying lot sizes shall also be developed.

Flag Lot Criteria for Flat Land Areas

In established, predominantly single family detached neighborhoods, the following criteria shall apply:

1. Flag lots are not appropriate in situations where a series of large lots could be converted to flag lot developments, thereby raising the density and changing the character of the neighborhood.

2. Neighborhoods that may be appropriate for flag lot development have uniformity of single-family lot sizes, but with an occasional and unique in its neighborhood, larger parcel, suitable for flag lot projects.
3. In neighborhoods which are designated medium low density residential (8 DU/AC), parcels considered for flag lot development are recommended to be approximately 8,000 square feet in size. At a minimum, the parcel must be larger than the average, or of an unique configuration, in the surrounding area in order to generously meet R-1 setback zoning codes.
4. Flag lot units located away from the street shall maintain a presence to the street, be oriented to the street, and be visible from the street. A larger building mass for the flag lot unit in relation to the front unit is not acceptable as a means to meet the street presence requirement.
5. Flag lots shall be approved only through the Planned Development zoning process.
6. Orientation, setbacks and private yards should conform to the following criteria:
 - All units shall orient to the street.
 - Each unit shall have both a "front" and "rear" yard on opposite sides of the unit.
 - Front yard setback for the front unit must match neighborhood pattern. "Front" setbacks for rear units must meet R-1 standards.
 - Rear yards for all units shall be a minimum of 1200 square feet, with a minimum dimension of 25 feet.

- Setbacks from interior project boundaries should be:
 - To a neighboring rear yard, 10 feet for first floor and 20 feet for second floor.
 - To a neighboring side yard, 5 feet.
- A common driveway for all units is encouraged; multiple driveways are discouraged.
- Driveways shall be a minimum of 10 feet wide, with a minimum of 3 feet of landscaping on either side.
- Parking ratios for each unit shall be in conformance with the Residential Design Guidelines, varying by unit size. Guest parking for units not having street frontage shall be provided at each unit.
- Adequate vehicle turn-around space shall be provided for each unit (typically a 26-foot minimum dimension).
- To protect the privacy of yard areas on neighboring properties, large windows and decks on the second floor shall orient to on-site yard areas, not to surrounding properties.
- Drainage shall follow pre-existing drainage patterns, which may require obtainment of easements from adjacent property owner. Padding up the rear of the site to achieve drainage to the street is discouraged.
- The mass of the front and back units should be consistent with the average mass in the surrounding neighborhood.